IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7655 of 1989

with

SPECIAL CIVIL APPLICATION No 7648 of 1989

with

SPECIAL CIVIL APPLICATION No 7649 of 1989

with

SPECIAL CIVIL APPLICATION No 7651 of 1989

with

SPECIAL CIVIL APPLICATION No 7656 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : YES

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAMJIBHAI H PATEL

Versus

STATE OF GUJARAT

Appearance:
MR MUKUND M DESAI for Petitioner
MR IM PANDYA ASSTT GOVERNMENT PLEADER for Respondent No. 1
NOTICE SERVED for Respondent No. 3, 4, 5

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 13/10/2000

COMMON ORAL JUDGEMENT

#. Heard Mr.Mukund Desai, learned advocate appearing on behalf of the petitioner in this group of petitions and Mr.I.M.Pandya, learned AGP appearing for respondent authorities.

#. Today, Mr.I.M.Pandya, learned AGP appearing on behalf of the respondent authorities has mentioned before this Court that in earlier group of five petitions wherein, Mr.Desai had appeared, have been disposed of by this Court by common order dated 19th September, 2000 and other five matters of said group are left out and therefore, chit has been given to call for papers of remaining matters of this group. Considering the request of Mr.Pandya, learned AGP, the office was directed to send papers of the remaining matters of this group and on receiving the papers of these matters by this Court today, the matters are taken up for final hearing with the consent of the learned advocates appearing for the parties and these group matters are proposed to be disposed by this common judgment.

#. In this group of petitions, common order passed by the Gujarat Revenue Tribunal in revision application No. 571 / 1987 to 580 / 1987 dated 28th February, 1989 has been challenged by the petitioner. The petitioner has also challenged the order passed by the tribunal in review application Nos. 18 of 1989 to 27 of 1989 dated 23rd June, 1989, wherein the petitioner has sought review of the order dismissing revision application passed by the tribunal. These petitions were admitted by this Court by issuing RULE thereon on 25th October, 1989 and interim relief in terms of the para-15(C) was granted.

#. In group of petitions earlier on 19th September, 2000

in Special Civil Application Nos. 7650, 7652, 7653, 7654 and 7657 of 1989, this Court has passed order allowing the aforesaid Special Civil Applications and the order passed by the lower authority dated 1st April, 1984, dated 15th July, 1987 and 28th February, 1989 so also the order dated 23rd June, 1989 - Annexure-A to D are ordered to be quashed and set aside and RULE in each petition has been made absolute in terms indicated in the order dated 19th September, 2000.

#. In the present group of petitions in Special Civil Application No.7655 of 1989, this Court has passed order on 21st September, 1989 allowing the petitioner and set aside the impugned orders - Annexure-A to D and accordingly, Rule was made absolute in each of the petition respectively. But the order which has been passed by this Court is not in judgment form and therefore the office has drawn attention of this Court to the effect that the order passed by this Court on 21st September, 2000 ought to have been passed in judgment form and considering the technical aspect, the order passed by this Court on 21st September, 2000 is required to be recalled and fresh order in the form of Judgment is required to be passed in present group of petitions. Therefore, order passed by this Court in Special Civil Application No. 7655 of 1989 dated 21st Sepember, 2000 is hereby recalled and accordingly the common order passed in other group of petitions are also recalled and hence the following order is passed.

#. In earlier group of petitions, this Court has passed a detailed order on 19th September, 2000 considering the facts of the petitions and having considered the relevant provisions of Tenancy Act and since the in this group of petitions, all the facts are similar in nature and even dates are common and therefore, the reasons given by this Court in order dated 19th September, 2000 are required as the if the reasons given in the present group of petitions and therefore, considering the reasons given in earlier order dated 19th September, 2000 passed in group of petitions, these petitions are required to be allowed and the same are allowed accordingly. The impugned orders dated 1st April, 1984, 15th April, 1987, 28th February, 1989 and 23rd June, 1989 - Annexure-A to D are hereby quashed and set aside. Rule is made absolute in each petition respectively in terms indicated hereinabove with no order as to costs.

Date : 13-10-2000 [H.K.Rathod, J.]

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